IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET

C.A.NO.5106/2006 IN FIRST APPEAL NO.455 OF 2007
AND
C.A.NO.5102/2006 IN FIRST APPEAL NO.456 OF 2007

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

Ms Varsha Sawant for the Applicant.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 20,2007.

P.C.:

1. The Applicant is the Appellant in the First Appeal. The Applicant is the insurer of the vehicle involved in the accident. The contention raised by the Applicant before the Tribunal was that there was a breach of terms and conditions of the insurance policy and in any event the Applicant was not liable to pay compensation to the passengers travelling in the tempo.

2. The said contention has not been accepted by the Tribunal. The amount of compensation involved in these two cases

is relatively small. Moreover, even if the Applicant succeeds in the Appeal, the Award which is made against the insured is bound to remain as it is and therefore, even if the compensation amount is paid by the Applicant, the same can be always recovered by the Applicant from the insured.

3. In this view of the matter, no case is made out for grant of stay. Subject to what is stated above, Applications for stay are rejected. It is made clear that withdrawal of the compensation amount by the claimants will be subject to final outcome of the Appeals.

JUDGE